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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,954	08/06/2001	Larkin Hill Lowrey	12170-009001 / A-0007	9498

7590

05/31/2002

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EXAMINER

ARTHUR, GERTRUDE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/31/2002

#5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,954

Applicant(s)

LOWREY ET AL.

Examiner

Gertrude Arthur

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-21 and 25-38 is/are rejected.
- 7) ☒ Claim(s) 15-17 and 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

The oath/declaration has been altered and should therefore be initialed next to the inventor's name Jim and Charles. Appropriate correction is required.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the abstract, the language "the invention" in line 1 must be avoided.

Claim Objections

Claim 36 is objected to because of the following informalities: in line 1 the word "a" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 18-21, 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. (U.S. Patent No. 6,295,492) in view of Joyce (U.S. Patent No. 5,537,336).

As to claims 1, 34-38, Lang et al. disclose a system for characterizing a vehicle's operating condition which could be considered as the tire, fuel efficiency wherein it discloses a wireless modem (35), wireless communication network as shown in Fig.1. Lang et al. disclose the collecting and transmitting and displaying diagnostic and operational information from one or more motor vehicles to a central server connected to a wide area network. It discloses that the central server is connected to the wide area network which receives and stores information from the on-board computer. Authorized users may connect to central server via the wide area network and request information therefrom regarding selected motor vehicles. All of the information may be presented in a single interface (See abstract). Though Lang et al. disclose all and does not specifically disclose the analyzing step for a fuel efficiency or tire pressure but it would have been obvious to analyze the data to find a diagnostic and operational information. However, in an analogous art, Joyce discloses an onsite oil analyzer wherein a computer performs analysis and diagnosis of the results from the spectrometers based on sets of known and standard information (See abstract). It would have been obvious

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to one of ordinary skill in the art at the time of the invention to modify the system of Lang et al. with that of Joyce by analyzing the fuel efficiency or tire pressure in order to provide an analysis report of the operating condition of the vehicle.

As to claims 2-14, 18-21, 25-33, the limitations are taught by Lang et al. and therefore are rejected for the same reason.

Allowable Subject Matter

Claims 15-17, 22-24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose that the analyzing step includes i) dividing the integrated mass air flow by an air/fuel ratio; and ii) dividing the results from step i) by a density of fuel to determine an amount of fuel consumed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payne et al. (U.S. Patent No. 6,167,426) disclose a contact alerts for unconnected users.

White et al. (U.S. Patent No. 3,748,894) disclose a means and method for an on-line determination of the flash point of lube oil fractions.

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Salvo et al. (U.S. Patent No. 6,356,205) disclose monitoring, diagnostic, and reporting system and process.

Cearley et al. (U.S. Patent No. 4,956,777) disclose an automatic vehicle control system.

Modular system for multi-parameter in-line machine fluid analysis. By Barry W. Wilson et al. April 3-6, 2000 (technology showcase 2000).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur whose telephone number is (703) 308-7564. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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May 24, 2002

Gertrude Arthur
GERTRUDE ARTHUR
PRIMARY EXAMINER